

# SOLEDAD RECYCLED WATER CONVEYANCE PROJECT

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## MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (“MMRP”) is a CEQA required component of the Mitigated Negative Declaration (“MND”) process for the Project (CEQA Guidelines §15074). Specifically, CEQA requires that lead agencies adopting MNDs take affirmative steps to determine that a project implements the approved mitigation measures subsequent to project approval (CEQA Guidelines §15074(d)).

As part of the CEQA environmental review procedures, Public Resources Code §21081.6 requires a public agency to adopt a monitoring and reporting program to ensure efficacy and enforceability of any mitigation measures applied to a proposed project. The lead agency must adopt an MMRP for mitigation measures incorporated into the project or proposed as conditions of approval. The MMRP must be designed to ensure compliance during project implementation. As stated in §21081.6(a)(1):

“The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.”

The MMRP is provided on the following pages. This table lists each of the mitigation measures proposed in the Initial Study/Mitigated Negative Declaration and specifies the agency responsible for implementation of the mitigation measure and the time period for the mitigation measure.

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Environmental Impact	Mitigation Measures	Implementing Party	Timing	Verifying Party
<p><b>Biological Resources:</b> Employee education program to avoid impacts to biological resources during construction</p>	<p><b>Mitigation Measure BIO-1:</b> A qualified biologist will conduct an Employee Education Program for the construction crew prior to any construction activities. The qualified biologist will meet with the construction crew at the onset of construction at the evaluation area to educate the construction crew on the following: 1) the appropriate access route(s) in and out of the construction area and review Project boundaries; 2) how a biological monitor will examine the area and agree upon a method which will ensure the safety of the monitor during such activities, 3) the identification of special status species that may be present; 4) the specific mitigation measures that will be incorporated into the construction effort; 5) the general provisions and protections afforded; and 6) the proper procedures if a special status species is encountered within the Project site to avoid impacts.</p>	City, qualified biologist	Prior to and during construction	City
<p><b>Biological Resources:</b> Impacts to special-status wildlife species such as Congdon's tarplant and Salinas pocket mouse during construction</p>	<p>See <b>Mitigation Measure BIO-1</b> above.</p> <p><b>Mitigation Measure BIO-2:</b> A qualified biologist will conduct protocol-level surveys for Congdon's tarplant and Salinas pocket mouse within the Project boundaries, within the WRF, and within the agricultural/ruderal habitat prior to construction. Protocol-level surveys shall be conducted by a qualified biologist at the appropriate time of year for species with the potential to occur within the site. A report describing the results of the surveys shall be provided to the project proponents prior to any ground disturbing activities. The report shall include but is not limited to 1) a description of the species observed, if any; 2) map of the location, if observed; and 3) recommended avoidance and minimization measures, if applicable.</p>	City, qualified biologist	Prior to construction	City
<p><b>Biological Resources:</b> Impacts to San Joaquin whipsnake, a CDFW species of special concern, during construction</p>	<p>See <b>Mitigation Measure BIO-1</b> above.</p> <p><b>Mitigation Measure BIO-3:</b> Prior to construction activities in the staging area, a qualified biologist will conduct a clearance survey in suitable habitat</p>	City, qualified biologist	Within two weeks prior to construction activities	City

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	<p>within the Survey Area for San Joaquin whipsnake. If San Joaquin whipsnake is observed during construction, measures will be taken to avoid the individual(s) and the species will be allowed to leave on its own volition or will be relocated outside of the survey area by the qualified biologist.</p>			
<p><b>Biological Resources:</b> Impacts to nesting raptors and other nesting avian species during construction, including tree removal</p>	<p>See <b>Mitigation Measure BIO-1</b> above.</p> <p><b>Mitigation Measure BIO-4:</b> Project activities that may affect protected nesting avian species (e.g., tree removal, noise, vibrations) shall be scheduled after September 15 and before February 1 to avoid the avian breeding and nesting season. Alternatively, a qualified biologist shall be retained by the Project applicant to conduct pre-construction surveys for nesting raptors and other protected avian species within 300 feet of proposed Project activities if work occurs between February 1 and September 15. Pre-construction surveys shall be conducted no more than 14 days prior to the start of Project activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through September). Because some bird species nest early in spring and others nest later in summer, and because some species breed multiple times in a season, surveys for nesting birds may be required to continue during Project activities to address new arrivals. If Project activities are halted for more than 14 days during the avian nesting season, additional surveys shall be conducted. The necessity and timing of these continued surveys shall be determined by the qualified biologist.</p> <p>If raptors or other protected avian species nests are identified during the pre-construction surveys, the qualified biologist shall notify the Project applicant and an appropriate no-disturbance buffer shall be imposed within which no disturbance should take place (generally 300 feet in all directions for</p>	<p>City, qualified biologist</p>	<p>Schedule construction after September 1 and before January 31.</p> <p>Alternatively, if construction scheduled between February 1 and August 31, conduct surveys no more than 14 days prior to the start of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p>	<p>City</p>

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	<p>raptors; other avian species may have species-specific requirements) until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist.</p>			
<p><b>Cultural Resources:</b> Inadvertent discovery of cultural resources during construction</p>	<p><b>Mitigation Measure CUL-1:</b> The City of Soledad shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials. Archaeological site information supplied to the Contractor shall be considered confidential.</p> <p>The City of Soledad shall retain a Professional Archaeologist on an “on-call” basis during ground disturbing construction to review, identify, and evaluate cultural resources that may be inadvertently exposed during construction. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources or Tribal cultural resources under CEQA.</p> <p>If the Professional Archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource or Tribal cultural resource under CEQA, he/she shall notify the City of Soledad and other appropriate parties of the evaluation. The Professional Archaeologist shall recommend mitigation measures to mitigate to less than significant in accordance with California Public Resources Code Section 15064.5. Tribal cultural resources shall be evaluated with the assistance of Native American Tribes and/or individual Tribal members who have previously been contacted and responded to outreach efforts by the City of Soledad. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery among other options. The</p>	<p>City, qualified archaeologist</p>	<p>During construction</p>	<p>City, NAHC, County Coroner</p>

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	<p>completion of a formal Archaeological Monitoring Plan (AMP) and/or Archaeological Treatment Plan (ATP) that may include data recovery may be recommended by the Professional Archaeologist if significant archaeological deposits (or Tribal cultural resources) are exposed during ground disturbing construction. The City of Soledad will determine development and implementation of the AMP and ATP, and treatment of significant cultural resources and/or tribal cultural resources in consultation with any regulatory agencies and Native American Tribes and Tribal individuals.</p> <p>A Monitoring Closure Report shall be filed with the City of Soledad at the conclusion of ground disturbing construction if archaeological and Native American monitoring was undertaken.</p>			
<p><b>Cultural Resources:</b> Inadvertent discovery of human remains during construction</p>	<p><b>Mitigation Measure CUL-2:</b> The treatment of human remains, and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws. This shall include immediate notification of the Monterey County Sheriff's Office and the City of Soledad.</p> <p>In the event of the coroner's determination that the human remains are Native American, notification of the Native American Heritage Commission is required. Upon notification, the Native American Heritage Commission shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.98).</p> <p>The City of Soledad, Professional Archaeologist and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated</p>	City, qualified archaeologist	During construction	City, NAHC, County Coroner

Environmental Impact	Mitigation Measures	Implementing Party	Timing	Verifying Party
	<p>or unassociated funerary objects. The California PRC allows 48 hours to reach agreement on these matters. If the MLD and the other parties do not agree on the reburial method, the project will follow PRC Section 5097.98(b) which states that ". . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."</p>			
<p><b>Hazards &amp; Hazardous Materials:</b> Handling and use of hazardous materials during construction</p>	<p><b>Mitigation Measure HAZ-1:</b> Prior to issuance of a grading permit, the contractor shall prepare a Hazardous Materials Spill Prevention and Control Plan that addresses potential impacts associated with hazardous material usage during construction and operation. The plan shall, at a minimum, consist of the following:</p> <ul style="list-style-type: none"> <li>▪ Identify applicable safety and clean-up procedures in the event of a spill.</li> <li>▪ Designate construction staging areas where hazardous materials may be stored. All staging areas shall be located outside of sensitive biological areas. Staging areas shall be designed to contain runoff to prevent contaminants (e.g., oil, grease, fuel products, etc.) from draining towards receiving waters and sensitive areas.</li> <li>▪ Identify appropriate emergency notification procedures and emergency contacts (e.g., County of Monterey Environmental Health, City of Soledad Fire, etc.).</li> <li>▪ Designated location where a spill kit shall be maintained on-site throughout the Project.</li> <li>▪ Identify dedicated storage areas where hazardous material may be stored and/or used during operation.</li> </ul>	Contractor	Prior to and during construction	City
<p><b>Tribal Cultural Resources:</b> Employee education program to avoid impacts to Tribal cultural resources during construction</p>	<p>See <b>Mitigation Measures CUL-1</b> and <b>CUL-2</b> above.</p> <p><b>Mitigation Measure TR-1:</b> Prior to ground disturbance activities, a Tribal Cultural monitor</p>	City, Tribal cultural monitor	During construction	City

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	<p>shall provide cultural sensitivity training to all construction personnel. The training shall explain applicable statues, regulations, enforcement provisions; the prehistoric and historic environmental setting and context, local Tribal groups; show sample artifacts; and what prehistoric and historic archaeological deposits look like at the surface and when exposed during construction. Construction personnel shall not be permitted to operate equipment within the construction area unless they have attended the training. A list of the names of all personnel who attended the training, and copies of the signed acknowledgement forms shall be submitted to the City of Soledad Director of Public Works or a designee.</p>			

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